REMARKS

The Office Action, on page 1, paragraphs 1 and 2, details the arrangement of the specification. Applicants note, however, that the specification has been properly arranged per the preliminary amendment, including the substitute specification, filed on June 4, 2001. If the Examiner has some specific concerns regarding the arrangement of the specification, please contact the undersigned to discuss same.

Claims 11, 14-17 and 20 have been rejected under 35 USC 103(a) as unpatentable over Guiver (U.S. Patent No. 5,809,490). The rejection is respectfully traversed.

Guiver fails to teach or suggest "assessing each class with respect to a predefined second threshold value, if a result of said assessing step lies below the second predefined threshold value, then, screening out said class," as required by claims 11 and 20. Rather, Guiver shows a method in which data arranged in clusters (a cluster in Guiver corresponds to a class in claims 11 and 20) are picked from the clusters dependent upon a cut-off level K indicating the maximum number of data examples picked from one cluster (see, for example, Figure 3 and col. 5, lines 30-42). As shown in Figure 3, data from each cluster is extracted according to the K-level. Hence, a whole cluster is not screened out. The K-level is a level indicating the number of data examples extracted from a cluster and is not used for assessing each cluster as a whole. Hence, there is no teaching or suggestion of use of a threshold value for assessing each class and screening out classes with respect to the previous assessment.

Additionally, the Examiner by his/her own admission fails to disclose "dividing the initial set of empirical values into classes based on a predefined criteria; and assessing each empirical value in each class with respect to a predefined first threshold value, and if a result of said assessing step lies below said predefined first threshold value, then screening out said empirical value," but that Guiver "suggests the steps of assessing each value in the initial set of the empirical values and dividing the initial set of empirical values into sub sets." The Examiner may not conclude, without evidentiary support, that one would have been motivated to modify the applied reference without presenting a source of a teaching, suggestion or motivation to modify these references. This teaching, suggestion or motivation "must be articulated and

placed on the record. The failure to do so is not consistent with...judicial review....conclusory statements [alone can not be used] when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies." *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (CAFC 2002).

Since the recited structure and method are not disclosed by the applied reference, claims 11 and 20 are patentable. Claims 12-19, depending from claim 11, are similarly patentable.

Claims 12-13 and 18-19 are allowable by the Examiner if rewritten in independent form to include any base and intervening claims. Claims 12-13 and 18-19 have been rewritten in independent form to include such limitations. Hence, claims 12-13 and 18-19 are in condition for allowance.

In view of the foregoing, claims 11-20 are in condition for allowance. An indication of the same is solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 449122016900.

Respectfully submitted,

Dated: February 6, 2003

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend the claims as follows.

12. (Amended) A method for modeling a technical process of an engineering plant, comprising:

measuring an initial set of empirical values at various steps of a technical process using sensors while said technical process is operating based on a predetermined set of parameters;

screening out a set of empirical values from the initial set of empirical values for reducing a size of the initial set of empirical values to obtain a screened set of empirical values by:

dividing the initial set of empirical values into classes based on a predefined criteria, followed by assessing each empirical value in each class with respect to a predefined first threshold value, and if a result of said assessing step lies below said predefined first threshold value, then screening out said empirical value, further assessing each class with respect to a predefined second threshold value, if a result of said assessing step lies below the second predefined threshold value, then, screening out said class; and

modeling said technical process using said screened set of empirical values to obtain a model result [A method according to claim 11], wherein

the predefined criteria is said dividing step is based on the predetermined first set of parameters.

13. (Amended) A method for modeling a technical process of an engineering plant, comprising:

measuring an initial set of empirical values at various steps of a technical process using sensors while said technical process is operating based on a predetermined set of parameters;

screening out a set of empirical values from the initial set of empirical values for reducing a size of the initial set of empirical values to obtain a screened set of empirical values by:

dividing the initial set of empirical values into classes based on a predefined criteria, followed by assessing each empirical value in each class with respect to a predefined first threshold value, and if a result of said assessing step lies below said predefined first threshold value, then screening out said empirical value, further assessing each class with respect to a predefined second threshold value, if a result of said assessing step lies below the second predefined threshold value, then, screening out said class; and

modeling said technical process using said screened set of empirical values to obtain a model result; [A method according to claim 11, further comprising the steps of:]

determining an empirical value associated with a transient phase of the technical process resulting from a modification of the predetermined set of parameters; and

screening out the empirical value associated with the transient phase.

18. (Amended) A method for modeling a technical process of an engineering plant, comprising:

measuring an initial set of empirical values at various steps of a technical process using sensors while said technical process is operating based on a predetermined set of parameters;

screening out a set of empirical values from the initial set of empirical values for reducing a size of the initial set of empirical values to obtain a screened set of empirical values by:

dividing the initial set of empirical values into classes based on a predefined criteria, followed by assessing each empirical value in each class with respect to a predefined first threshold value, and if a result of said assessing step lies below said predefined first threshold value, then screening out said empirical value, further assessing each class with respect to a predefined second threshold value, if a result of said assessing step lies below the second predefined threshold value, then, screening out said class; and

modeling said technical process using said screened set of empirical values to obtain a model result; and [A method according to claim 11, further comprising the steps of:]

screening out a class with fewer number of empirical values than a predefined number.

19. (Amended) A method for modeling a technical process of an engineering plant, comprising:

measuring an initial set of empirical values at various steps of a technical process using sensors while said technical process is operating based on a predetermined set of parameters;

screening out a set of empirical values from the initial set of empirical values for reducing a size of the initial set of empirical values to obtain a screened set of empirical values by:

dividing the initial set of empirical values into classes based on a predefined criteria, followed by assessing each empirical value in each class with respect to a predefined first threshold value, and if a result of said assessing step lies below said predefined first threshold value, then screening out said empirical value, further assessing each class with respect to a predefined second threshold value, if a result of said assessing step lies below the second predefined threshold value, then, screening out said class; and

modeling said technical process using said screened set of empirical values to obtain a model result [A method according to claim 11], wherein

the result of said assessing step is a difference of the empirical value in the class with the predefined first threshold value.